

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MIKE ESKRA,)	
)	
Plaintiff(s),)	
)	
vs.)	Case No. 4:06CV00851-ERW (DDN)
)	
MICHAEL J. ASTRUE, ¹)	
Commissioner of Social Security,)	
Defendant(s).)	

ORDER

This matter is before the Court upon the Report and Recommendation of United States Magistrate Judge David D. Noce pursuant to 29 U.S.C. § 636(b) [doc. #12].


The Court notes that no objections were filed to the Report and Recommendation within the time period afforded by 28 U.S.C. § 636(b)(1). The Court has considered the Report and Recommendation and hereby sustains, adopts and incorporates herein the Magistrate's Report and Recommendation in its entirety.

Accordingly,

¹Michael J. Astrue became the Commissioner of Social Security on February 12, 2007. Pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure, Michael J. Astrue is substituted as defendant in this suit. 42 U.S.C. § 405(g) (providing for judicial review of the Commissioner's decision).

IT IS HEREBY ORDERED, ADJUDGED and DECREED that under sentence four of 42 U.S.C. § 405(g), the final decision of the Commissioner of Social Security denying Plaintiff disability benefits is **REVERSED**. The above styled action is **REMANDED** to the Commissioner for further proceedings.

Dated this 2nd Day of August, 2007.

A handwritten signature in black ink, appearing to read "E. Richard Webber", is written over a horizontal line.

E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE